UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,092	12/19/2001	Kenichi Fujii	35.C16059	8755

5514 7590 07/01/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
PEACHES, RANDY	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,092	FUJII, KENICHI	
	Examiner	Art Unit	
	Randy Peaches	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17,18 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17, 18 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. ***Claims 17 and 22*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (U.S. Patent Number 6,438,385 B1) in view of Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) and further in view of Weber et al. (U.S. Patent Number 6,343,212 B1).

Regarding ***claim 17***, Heinonen et al. discloses a mobile station which reads on claim "wireless communication terminal," The said MS is provided with a control means for muting the said MS in response, which reads on claimed "communicating", to receiving a predetermined message (signal) transmitted from a transmitting means (BTS), comprising:

- reception means, which reads on claimed "first communication means" for communicating with the said BTS's first communication means. See column 1 lines 16-24 and column 6 lines 55-66 and FIGURE 4;
- transmitting means, which reads on claimed "second communication means", as taught in column 1 lines 16-19 and column 5 lines 18-22, for communication via a public network; and

- a control means, which reads on claimed "second control means", for detecting a muting message (restriction signal) and processing the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in accordance with the indication signal received from said first communication means". See column 6 lines 56-67 and column 7 lines 1-4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61).
- wherein when a person enter a predetermined area, if communication restriction of the mode designated by the said BTS is more severe than the communication restriction of a mode preset to the said transmitter the said control means changes the said mode of the said transmitter to the designated mode, whereas if not more severe, the mode is not changed. ***Heinonen et al. teaches of a said MS monitoring a signal sent from a base station, wherein if the signal received is detected to be a muting signal, the mode of the said MS is change to reflect the instructions sent by the said BTS; otherwise, if the user's MS is already in a state in which the BTS is instructing, then the mode of the said MS is unchanged. See column 2 lines 31-50.***

However, Heinonen et al. fails to expressly disclose regulating the entrance/exit of a person based on a response received from a said MS.

Gobburu et al. discloses in paragraph [0083], of a mobile communication device, which reads on claimed "wireless communication terminal", capable of displaying a bar coded security pass to a scanner, which reads on claimed "entrance/exit apparatus". If authorization is valid, the door is unlocked and the said user of the mobile communication device is allowed to enter, which reads on claimed "regulating the entrance/exit of a person".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Heinonen et al. and Gobburu et al in order to provide a mechanism capable of combining the functions of regulating access to an area and regulating the communication of a mobile device in a predetermined sensitive area, where the communication of a said mobile device is determined to cause disturbance to its surrounding environment.

However, the combination of Heinonen et al. and Gobburu et al. fails to disclose wherein said second communication means can switch among a plurality of communication restriction modes, and said control means changes the communication restriction mode of said second communication means in accordance with a mode designated by the entrance/exit regulating apparatus.

Weber et al. discloses in column 3 lines 15-19, where the said base station (BTS), which reads on claimed "entrance/exit regulating apparatus", transmits system messages (signal) relating to mode change information for the said MS. Where Weber

et al disclose a generating means, which reads on claimed "control means", which generates mode change information for switching a said MS into a different mode. Modes are defined as silent, vibrating and or visual. See column 4 lines 1-10.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. and Gobburu et al. to further include Weber et al. in order to define different modes that a said MS may changed to after receiving information pertaining to a communication restriction within a predetermined area.

Regarding ***claim 22***, Heinonen et al. discloses in column 1 lines 14-15, a control method for a mobile station (MS), which reads on claimed "wireless terminal", communicating with a BTS, which reads on claimed "entrance/exit regulating apparatus," for regulating an entrance/exit of a person by a transmission means of the said BTS , which reads on claimed "first communication means," and a second communication unit for communication via a public network, the method comprising:

- reception means, which reads on claimed "first communication means" for communicating with the said BTS. See column 1 lines 16-24 and column 6 lines 55-66 and FIGURE 4;
- a control means, which reads on claimed "second control means", for detecting and a muting message (restriction signal) and processing the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in

accordance with the indication signal received from said first communication means". See column 6 lines 56-67 and column 7 lines 1-4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61).

- wherein when a person enter a predetermined area, if communication restriction of the mode designated by the said BTS is more severe than the communication restriction of a mode preset to the said transmitter the said control means changes the said mode of the said transmitter to the designated mode, whereas if not more severe, the mode is not changed. ***Heinonen et al. teaches of a said MS monitoring a signal sent from a base station, wherein if the signal received is detected to be a muting signal, the mode of the said MS is change to reflect the instructions sent by the said BTS; otherwise, if the user's MS is already in a state in which the BTS is instructing, then the mode of the said MS is unchanged. See column 2 lines 31-50.***

However, Heinonen et al. fails to expressly disclose regulating the entrance/exit of a person based on a response received from a said MS.

Gobburu et al. discloses in paragraph [0083], of a mobile communication device, which reads on claimed "wireless communication terminal", capable of displaying a bar

coded security pass to a scanner, which reads on claimed "entrance/exit apparatus". If authorization is valid, the door is unlocked and the said user of the mobile communication device is allowed to enter, which reads on claimed "regulating the entrance/exit of a person".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Heinonen et al. and Gobburu et al in order to provide a mechanism capable of combining the functions of regulating access to an area and regulating the communication of a mobile device in a predetermined sensitive area, where the communication of a said mobile device is determined to cause disturbance to its surrounding environment.

However, the combination of Heinonen et al. and Gobburu et al. fails to disclose wherein said second communication means can switch among a plurality of communication restriction modes, and said control means changes the communication restriction mode of said second communication means in accordance with a mode designated by the entrance/exit regulating apparatus.

Weber et al. discloses in column 3 lines 15-19, where the said base station (BTS), which reads on claimed "entrance/exit regulating apparatus", transmits system messages (signal) relating to mode change information for the said MS. Where Weber et al disclose a generating means, which reads on claimed "control means", which generates mode change information for switching a said MS into a different mode. Modes are defined as silent, vibrating and or visual. See column 4 lines 1-10.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. and Gobburu et al. to further include Weber et al. in order to define different modes that a said MS may changed to after receiving information pertaining to a communication restriction within a predetermined area.

2. ***Claim 18*** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1), Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) and Weber et al. (U.S. Patent Number 6,343,212 B1) as applied to claims above, and further in view of da Silva (U.S. Patent Number 6,496,703 B1).

Regarding ***claim 18***, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to ***claim 17,*** fails to disclose wherein the communication restriction modes include at least one of a non-restriction mode without communication restriction, a manner mode of automatically turning off incoming call sounds of real time communication, a drive mode of automatically responding to real time communication, a real time communication inhibition mode of permitting only non-real time communication, a call in-out restriction mode of inhibiting call in-out of all communications and a wireless signal transmission restriction mode of inhibiting transmission of a wireless communication signal.

da Silva teaches in column 7 lines 39-45, where an indication signal is sent not to completely disable the cellular phone, which reads on claimed "wireless terminal", but to allow the user some functionality during a restriction. As example, incoming calls can be prohibited, while in turn, allowing outgoing calls to occur within a predetermined area. Also, da Silva discloses in column 7 lines 43-46, of prohibiting the ringing of a said cellular phone. See column 8 lines 38-42.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. and Gobburu et al. to further include da Silva to incorporate a functionality allowing some, not all, service to be prohibited in a predetermined area. The relevance is to allow some communication to occur within a predetermined area so that the user is not completely disabled without communication.

Response to Arguments

Applicant's arguments with respect to ***claims 17, 18 and 22*** have been considered but are moot in view of the new ground(s) of rejection. The Examiner's objection to ***claim 17*** is hereby withdrawn in view of reconsideration of the claimed language.

- Regarding ***claims 17 and 22***, the Applicant presents the following: wherein when a person enter a predetermined area, if communication restriction of the mode designated by the said BTS is more severe than the communication restriction of a mode preset to the said transmitter the

said control means changes the said mode of the said transmitter to the designated mode, whereas if not more severe, the mode is not changed.

Consequently, after further reconsideration of the claimed language, the Examiner concludes that level of severity can be interpreted in broadest, reasonable interpretation. The Examiner's position is that when a person enters a restricted area and the preset transmitting control on the user's device is set on "low ringer", and the received regulating signal from the regulating apparatus is deemed to be "vibrate", because the level of severity of the BTS is higher than that of the user's preset condition, the user's device will be set to "vibrate" automatically.

However, on the other hand, if the user understands that he/she is entering restricted area and turns the phone to "silent" mode, simultaneously, the regulating apparatus is transmitting a less severe mode of "vibrate", then the regulating apparatus recognizes that the user's phone is "silent", a more severe mode, and does not change the mode of the user's phone. As stated in the above Office Action, Heinonen et al. teaches of this occurrence; therefore, based on the new grounds of rejection, ***claims 17-18 and 22*** stand rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
June 23, 2005

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600